

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jul 29, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Andrew Vincent Auerbach Case Number: 0980 2:16CR00093-WFN-1
 Address of Offender: Washington 99022
 Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge
 Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
 Date of Original Sentence: January 10, 2017
 Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1), 924(a)(2)
 Original Sentence: Prison - 37 months Type of Supervision: Supervised Release
 TSR - 36 months
 Asst. U.S. Attorney: James Goeke Date Supervision Commenced: April 8, 2019
 Defense Attorney: Roger Peven Date Supervision Expires: April 7, 2022

PETITIONING THE COURT
To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition # 7:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> It is alleged that Mr. Auerbach violated the terms of his supervised release by failing to appear for a random urinalysis test, on or about July 15 and 21, 2021.</p> <p>On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.</p> <p>Mr. Auerbach is enrolled in random urinalysis testing at Pioneer Human Services (PHS). He is expected to call the color line daily and report for testing on the same days his color is called.</p> <p>On July 15 and 21, 2021, he failed to appear for random urinalysis tests at PHS.</p>

Prob12C

Re: Auerbach, Andrew Vincent

July 29, 2021

Page 2

- 2 **Special Condition # 7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by consuming controlled substances, amphetamine and methamphetamine, on or about July 14, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.

On July 16, 2021, Mr. Auerbach appeared at PHS for urinalysis testing. He tested presumptive positive for amphetamine/methamphetamine. He signed a drug use admission form admitting to use on July 14, 2021, but at the time, did not specify what substance(s) he used.

A lab report has since been received, noting a positive test result for the presence of amphetamine and methamphetamine for the specimen submitted on July 14, 2021.

- 3 **Special Condition # 7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by consuming controlled substances, amphetamine and methamphetamine, on or about July 19, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.

On July 19, 2021, Mr. Auerbach appeared at PHS for urinalysis testing. He tested presumptive positive for amphetamine and methamphetamine. He signed a drug use admission form, but did not specify the date of use, nor did he specify what substance(s) he used. However, he sent a text message to the U.S. probation officer stating he would still be dirty because, "I used on Sunday."

A lab report has since confirmed a positive test result for the presence of amphetamine and methamphetamine for the specimen submitted on July 19, 2021.

- 4 **Special Condition # 7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Prob12C

Re: Auerbach, Andrew Vincent

July 29, 2021

Page 3

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by consuming controlled substances, heroin and methamphetamine, on or about July 23 and 26, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.

On July 26, 2021, Mr. Auerbach appeared at PHS for random urinalysis testing. He tested presumptive positive for morphine/opiates and amphetamine and methamphetamine. He did not sign a drug use admission/denial form.

On July 28, 2021, Mr. Auerbach reported to the U.S. Probation Office. He initially admitted to consuming heroin and methamphetamine on July 23, 2021. He then submitted to a urinalysis test that tested presumptive positive for morphine/opiates, amphetamine and methamphetamine. He then admitted to consuming heroin and methamphetamine again on July 26, 2021.

- 5 **Special Condition #6:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete as approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by failing to attend substance abuse treatment, on or about July 15, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision, to include the above-noted special condition number 6.

Mr. Auerbach is enrolled in outpatient substance abuse treatment at PHS. On July 15, 2021, he failed to attend his treatment session.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/29/2021

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

Prob12C

Re: Auerbach, Andrew Vincent

July 29, 2021

Page 4

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

7/29/2021

Date